

## HOUSE JOINT RESOLUTION 92

By Holt

A RESOLUTION expressing support for the western states of the United States and the federal transfer of public lands to these western states, and urging Congress to engage in good faith communication and cooperation concerning the coordination of the transfer of title to those western states.

WHEREAS, under Article IV, Section 3, of the United States Constitution, “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States”; and

WHEREAS, the Constitutional Convention intended this provision of the Constitution to maintain the status quo, established to transfer federal territorial lands only to create new states with the same rights of sovereignty, freedom, and independence as the original states; and

WHEREAS, under these express terms of trust, the states claiming federal territorial land ceded their western land to the confederated Union to allow the confederated government to dispose of the lands only to create new states and apply the net proceeds of any sales of the lands only to pay down the public debt; and

WHEREAS, the Constitution contains no expression of intent to authorize the federal government to indefinitely exercise control over western public lands beyond the duty to manage the lands pending the disposal of the lands to create new states, and therefore the lands should be returned to the western states; and

WHEREAS, in order to promote legitimate federal interests, the western states should agree, upon transfer of the public lands directly to the state where the public land is located, to affirmatively cede lands for the national park system, the national wilderness preservation system, and lands reserved for federal military use, military parks, and military reservations to

the federal government under Article I, Section 8, Clause 17, of the United States Constitution, on condition that the lands permanently remain national park lands, and that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than to the state where the land is located; and

WHEREAS, limiting the ability of western states to access and utilize the public lands' natural resources within their borders is having a negative impact upon the economy of those western states and therefore the economy of the entire United States; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that in order to provide a fair, just, and equitable remedy for the federal government's former and current breaches of its solemn promises to the western states, we hereby:

- 1) call on the federal government to transfer title to all federal public lands within the western states to the state in which the land is located;
- 2) urge the United States Congress to engage in good faith communication, cooperation, and consultation with the western states to coordinate the transfer of the public lands, and we support the western states in these efforts;
- 3) call upon the western states to agree, upon transfer of the public lands, to affirmatively cede to the federal government all lands currently designated as part of the National Park System under 16 U.S.C. Section 1a-1, the National Wilderness Preservation System under 16 U.S.C. Section 1131, or for military use, military parks, or military preserves;
- 4) urge that if any public land in the western states is sold to private owners, 95% of the net proceeds be paid to the Bureau of the Public Debt to pay down the federal debt; and
- 5) call on other states to pass a similar resolution in support of the transfer of the federal public lands to the western states.

BE IT FURTHER RESOLVED, that we express support to the western states of the United States of America and the federal transfer of public lands to these western states, urging the United States Congress to engage in good faith communication and cooperation in an effort to coordinate the transfer of titles to these western states.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be delivered to the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of the Tennessee Congressional delegation, and the governors, Senate presidents, and speakers of the Houses of Representatives of the other forty-nine states with this final clause omitted from such copy.